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The Pelton Trial Leaves Most Questions Unanswered

By STEPHEN ENGELBERG

ONE of the most dramatic moments in a murder trial occurs when the prosecution shows pictures of the bloodied victim. The sobering tableau — the dead body, the family quietly sobbing in the courtroom — gives the jurors something to ponder as they weigh the evidence in the case.

Last week, at the Baltimore trial of Ronald W. Pelton, a former intelligence official charged with espionage, the prosecutors tried to show the jury a picture of the victim, the national security. But it was a photograph taken from a great distance, and the Government's difficulties in laying out its case illustrated the dilemmas faced by the state in virtually all espionage trials.

There is generally no documentary evidence. There are usually no witnesses. And much of the evidence that could explain the significance of the case is classified material, the disclosure of which is problematic.

All of these difficulties were outlined in sharp relief as the prosecutors in the Pelton case called to the witness stand three officials of the National Security Agency, for which Mr. Pelton once worked. One of the most secretive arms of the Government, the agency is responsible for intercepting and decoding all types of communications.

The witnesses referred to operations at issue in the case only as Projects A, B, C, D and E. Even the code names were not mentioned. The witnesses talked in vague terms about "a specific set of equipment" used to eavesdrop on "a particular communications link." The jury heard about unspecified locations and episodes. Much of the discussion was in hypothetical terms.

Vague though the testimony was, the classified information it touched upon was considered so sensitive that how much to release was a matter of sharp dispute inside the Reagan Administration. After the first day of the trial, the Director of Central Intelligence, William J. Casey, and the head of the N.S.A., Lieut. Gen. William Odom, cautioned reporters against "speculation" based on the testimony, urging reporters to consider "very, very carefully" any plan to use material "beyond the information released at the trial."

As civil liberties groups and journalists reacted with anger to the unusual warning about coverage of a public trial — which followed threats last month that news organizations might be prosecuted for unauthorized disclosures of classified or sensitive information from other sources — General Odom and Mr. Casey appeared to

back off. Mr. Casey, for example, said that officials had not "made ourselves always as clear as we might be" and denied any intent to "scuttle the First Amendment."

Mr. Pelton, a mid-level technician who was paid \$24,500 a year, left the security agency in 1979. The prosecution charges that six months later — in January 1980 — he began giving Soviet agents an extensive picture of this country's ability to intercept Soviet communications. According to the prosecutors, Mr. Pelton met with Soviet agents at their embassy in 1980 and was subsequently flown to Vienna twice for extensive debriefings.

Nearly all of the evidence against Mr. Pelton has come from statements he made to two agents of the Federal Bureau of Investigation last year. His defense lawyer, Fred Warren Bennett, argues that the statements were elicited by trickery and has produced through cross-examination Government testimony that some classified material could be disclosed without harm.

Under the espionage laws, the Government need not prove that an accused spy damaged national security. The laws require only a showing that the individual had "reason to believe" that the information provided could be used to the advantage of a foreign power or to harm the United States.

William P. Crowell Jr., the senior official in charge of N.S.A.'s branch for intercepting and decoding Soviet communications, tried in his testimony to outline the damage that would be caused by Mr. Pelton's alleged revelation to the Soviet Union of Projects A, B, C, D and E. He also explained the possible significance of telling Soviet agents about a 1978 report Mr. Pelton wrote describing how much the agency knows about the characteristics of many of the signals it intercepts, contending that this material would help the Russians secure their communications from American eavesdropping.

Imprecise Pinpoints

Mr. Pelton has been described in testimony as a man with an extraordinary memory for technical details, but no one other than the Soviet agents to whom he allegedly talked or Mr. Pelton himself can say how much of the 60-page document, written in 1978, he was able to recall in meetings that allegedly took place one and two years later. Mr. Crowell acknowledged that Mr. Pelton had been several hundred miles off in pinpointing in interviews with F.B.I. agents the site of a Soviet communications link intercepted in Project A.

But, Mr. Crowell said, even information that inaccurate would have been sufficient to help the Soviet Union identify the site and take countermeasures.

How could Soviet technicians do so?

Like many other questions, that one was left unanswered as the prosecution concluded its case.